UNITED
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Security Council

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GENERAL

S/23284
12 December 1991

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 12 December 1991, the President of the Security Council made the following statement on behalf of the members of the Council to the media, in connection with the item entitled "The situation in Cyprus":

> "In the light of the discussion at the informal consultations of members of the Security Council, it was concluded that the necessary agreement did not currently exist in the Council for a decision to be adopted on a change in the financing of UNFICYP. The members of the Council agreed to keep this issue under urgent review."

91-48995 2821f (E)

UNITED
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Security Council

Distr.
GENERAL

S/23285
14 December 1991
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Draft resolution

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991 and 721 (1991) of 27 November 1991,

Noting the report of the Secretary-General of 11 December 1991 (S/23280) submitted pursuant to resolution 721 (1991),

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter of the United Nations,

Determined to ensure that the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia imposed by resolution 713 (1991) is effectively applied,

Commending the initiatives taken by the Secretary-General in the humanitarian field,

1. Approves the report of the Secretary-General of 11 December 1991 (S/23280) and expresses its appreciation to the Secretary-General for it;

2. Endorses in particular the views expressed in paragraph 21 of the Secretary-General's report that the conditions for establishing a peace-keeping operation in Yugoslavia still do not exist and in paragraph 24 that full compliance with the Geneva Agreement of 23 November 1991 would permit accelerated consideration of the question of establishing a United Nations peace-keeping operation in Yugoslavia;

3. Concurs in particular with the Secretary-General's observation that the international community is prepared to assist the Yugoslav peoples, if the conditions described in his report are met and, in that context, endorses his

offer to send to Yugoslavia a small group of personnel, including military personnel, as part of the continuing mission of his Personal Envoy, to carry forward preparations for possible deployment of a peace-keeping operation;

4. Underlines the view that the purpose of the deployment of any United Nations peace-keeping operation in Yugoslavia would be to enable all parties to settle their disputes peacefully, including through the processes of the Conference on Yugoslavia;

5. Acting under Chapter VII of the Charter of the United Nations:

(a) Requests all States to report to the Secretary-General within 20 days on the measures they have instituted for meeting the obligations set out in paragraph 6 of resolution 713 (1991) to implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia;

(b) Decides to establish, in accordance with rule 28 of its Provisional Rules of Procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(i) To examine the reports submitted pursuant to subparagraph (a) above;

(ii) To seek from all States further information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 6 of resolution 713 (1991);

(iii) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(iv) To recommend appropriate measures in response to violations of the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia and provide information on a regular basis to the Secretary-General for general distribution to Member States;

(c) Calls upon all States to cooperate fully with the Committee in the fulfilment of its tasks concerning the effective implementation of the provisions of paragraph 6 of resolution 713 (1991);

(d) Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

6. Undertakes to consider ways by which compliance with the commitments entered into by the parties may be achieved;

7. Strongly urges all States and parties to refrain from any action which might contribute to increasing tension, to inhibiting the establishment of an effective cease-fire and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia, which would permit all the peoples of Yugoslavia to decide upon and to construct their future in peace;

8. Encourages the Secretary-General to pursue his humanitarian efforts in Yugoslavia, in liaison with the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, UNICEF and other appropriate humanitarian organizations, to take urgent practical steps to tackle the critical needs of the people of Yugoslavia, including displaced persons and the most vulnerable groups affected by the conflict, to assist in the voluntary return of displaced persons to their homes;

9. Decides to remain actively seized of the matter until a peaceful solution is achieved.

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Security Council

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GENERAL

S/23286
13 December 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to inform you that the United States Air Force has continued to violate Iraqi airspace, as follows:

2-3 December 1991

Eleven sorties by two-aircraft formations, at speeds of 600-800 km/h and at altitudes of 3,500-6,000 m, centred on Zakho, Dohuk, Mosul, Amadiyah, Arbil and Tall Afar.

5-6 December 1991

Eighteen sorties, flown by nine two-aircraft formations at speeds of 600-800 km/h and at altitudes of 1,000-3,000 m, centred on Dohuk, Zakho, Arbil, Mosul, Tall Afar and Amadiyah.

6-7 December 1991

Twenty sorties, flown by 10 two-aircraft formations at speeds of 640-900 km/h and at altitudes of 2,000-6,000 m, centred on Mosul, Arbil, Dohuk, Tall Afar, Zakho and Amadiyah.

7-8 December 1991

Fourteen sorties, flown by six two-aircraft formations and two single aircraft at speeds of 600-950 km/h and at altitudes of 3,000-7,000 m, centred on Zakho, Dohuk, Ayn Zalah, Tall Afar, Mosul and Arbil.

At 0835, 1020, 1028, 1155 and 1215 hours, two-aircraft formations consisting of F-111s, F-16s and Jaguars flew over Faruq airfield at speeds of 600-700 km/h and at altitudes of 50-150 m.

9-10 December 1991

One sortie, flown by a single two-aircraft formation at a speed of 850 km/h and at medium altitude, centred on Mosul, Dohuk and Zakho.

10-11 December 1991

Twenty-six sorties, flown by 13 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 3,000-6,000 m, centred on Mosul, Dohuk, Arbil, Zakho, Rawanduz, Dukan, Tall Afar and Amadiyah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

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Security Council

Distr.
GENERAL

S/23287
13 December 1991

ORIGINAL: ENGLISH

LETTER DATED 13 DECEMBER 1991 FROM THE REPRESENTATIVES OF ESTONIA, LATVIA AND LITHUANIA ADDRESSED TO THE SECRETARY-GENERAL

On 6 September 1991, the Union of Soviet Socialist Republics recognized the independence of the Republics of Estonia, Latvia and Lithuania, but did not, however, take measures to withdraw its sizeable and well-armed forces from the territory of these countries. There exists no treaty or any other agreement permitting the Soviet Union to station its armed forces in Estonia, Latvia or Lithuania. Thus, there is no justification for Soviet armed forces to remain on the territory of the Baltic States.

In the statements by the USSR State Council on the recognition of the independence of Estonia, Latvia and Lithuania, the Council proposed convening negotiations "to resolve an entire complex of issues associated with securing civil rights, as well as economic, political, military, border, humanitarian and other questions that concern the USSR and its component States". However, until now only preliminary talks have been held and no official negotiations have been initiated, although the Governments of Estonia, Latvia and Lithuania have repeatedly expressed their interest in such negotiations.

On 31 October 1991 the Foreign Ministry of Lithuania transmitted a note to the Foreign Ministry of the USSR stating that the immediate withdrawal of the Soviet army from the territory of the Republic of Lithuania was the main objective in the process regulating the relationship between Lithuania and the USSR. The definitive view on this matter was presented in a resolution adopted by the Supreme Council of the Republic of Lithuania on 27 August 1991 as well as in a statement issued by the Baltic Council on 5 October 1991.

At the present time, as the Soviet State disintegrates, there exits the real possibility that the former Union will be unable to continue to govern the activities of its armed forces stationed in the Baltic States. Some officers responsible for the units in the Baltic States have openly suggested the possibility of remaining in the Baltic region despite orders to the contrary from Moscow. In addition, in recent weeks, representatives of extremist groups in the former Soviet Union have publicly challenged the

legitimacy of Baltic independence and threatened the Governments of the Baltic States. This precarious situation is a threat to peace and security in the Baltic area.

We strongly believe the United Nations can play an effective role in reducing the threat this situation poses and in facilitating the removal of foreign troops from Estonia, Latvia and Lithuania. We respectfully request Your Excellency to closely monitor the developing situation in Estonia, Latvia and Lithuania, in particular through the Office of Research and the Collection of Information.

We would be grateful if you have this letter circulated as a document of the Security Council.

(Signed) Heino AINSO
Chargé d'affaires
Permanent Mission of Estonia
to the United Nations

(Signed) Aivars BAUMANIS
Ambassador
Permanent Mission of Latvia
to the United Nations

(Signed) Anicetas SIMUTIS
Ambassador
Permanent Mission of Lithuania
to the United Nations

UNITED NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/46/776
S/23288
13 December 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda items 23, 35 and 75
RETURN OR RESTITUTION OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN
THE SITUATION IN THE MIDDLE EAST
QUESTIONS RELATING TO INFORMATION

SECURITY COUNCIL
Forty-sixth year

Letter dated 13 December 1991 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention.

Israeli violence and illegal practices continues and is escalating against the Palestinians living under occupation in the West Bank and Gaza. Israel's iron-fist policy is still on the rise. This reflected itself not only in the prolonged curfews imposed and the cruel treatment of the Palestinians, but also in an increase in the settlers illegal activities in the occupied territory. The Israeli occupying Power is expanding, and at a fast pace, the building of settlements and the confiscation of homes and lands of Palestinians, the latest of which is the confiscation of six Palestinian homes in the neighbourhood of Silwan in East Jerusalem. Moreover, the Israeli cabinet endorsed and approved the take-over, as well as the building, of 200 new housing units in Silwan. All of this will take place under the protection of the Israeli police. In the meantime, many Palestinian families are being displaced and remain homeless.

These violations by the occupying Power, Israel, cannot and should not continue. The international community and particularly the United Nations as a body should act effectively and responsibly to stop these violations and in protection of the Palestinian people living under the inhumane and illegal occupation of the Palestinian territory; and furthermore, to ensure respect of the Fourth Geneva Convention of 12 August 1949.

Palestine calls upon the United Nations to intervene in this matter for the protection of Palestinians and for safeguarding the peace talks that are under way. This behaviour is not encouraging and will not enhance the peace process.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of
Palestine to the United Nations

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Security Council

Distr.
GENERAL

S/23289
14 December 1991

ORIGINAL: ENGLISH

LETTER DATED 13 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my capacity as Chairman of the Coordinating Bureau of Non-Aligned Countries in New York, I have the honour to transmit herewith the statement on the situation in Yugoslavia adopted by the Coordinating Bureau of Non-Aligned Countries at its meeting on 13 December 1991.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Darko SILOVIC
Permanent Representative of
Yugoslavia to the United Nations

Annex

Statement on the situation in Yugoslavia

Adopted by the Coordinating Bureau of Non-Aligned Countries

13 December 1991, New York

The Coordinating Bureau of Non-Aligned Countries held a meeting on 13 December 1991 in New York to consider the situation in Yugoslavia.

The Under-Secretary at the Federal Secretariat for Foreign Affairs of Yugoslavia, Mr. V. Sultanovic, informed the members of the Bureau of the latest developments in regard to the Yugoslav crisis and endeavours to stabilize the situation. He stated that numerous efforts are being made, both in Yugoslavia and at the international level, towards a peaceful resolution of the crisis. Particular reference was made to the efforts undertaken within the United Nations, at the request of the Government of Yugoslavia, to resolve the crisis peacefully, to ensure that the framework and continuity of Yugoslavia be preserved and that it be a factor of stability in the region and continue to play a constructive role in international relations.

Members of the Bureau expressed their deep concern over the prolonged crisis in Yugoslavia which has caused heavy loss of human life and widespread material damage. They noted that the continuation and aggravation of this situation constitute a threat to international peace and security. They called on all parties to the conflict immediately to cease hostilities and to abide strictly by the cease-fire agreement signed at Geneva on 23 November 1991, thus enabling the search for a peaceful solution to the crisis through negotiations and with the consent of all Yugoslav peoples.

They called upon all international factors to adhere fully to the principles of the Charter of the United Nations and of international law in connection with the events in Yugoslavia, and to respect the right of its peoples and Republics to settle their disputes peacefully and through negotiations.

Without prejudice to, and pending agreement on a lasting political solution, they denounced all attempts aimed at undermining the sovereignty, territorial integrity and international legal personality of Yugoslavia. In that context, they endorsed the United Nations Secretary-General's assessment contained in his latest report to the Security Council a/ as well as in the letter addressed to the Minister for Foreign Affairs of the Netherlands, the current President of the Council of Ministers of the European Community, concerning the possible negative effects of premature recognition of some Yugoslav Republics.

The members of the Bureau stressed that unilateral and one-sided economic sanctions or any other measures incompatible with the Charter of the United Nations, against Yugoslavia as a whole or against some of its parts, are detrimental to the prospects for overall solution of the crisis and further aggravate the critical humanitarian situation.

/...

They expressed their support for efforts of the international community undertaken in agreement with the Government and other parties in Yugoslavia for peace and dialogue.

The members of the Bureau expressed full support to the activities within the United Nations system and particularly to the action by the Security Council. They especially praised the constructive and active role of the non-aligned countries members of the Security Council for their principled position regarding the situation in Yugoslavia and came in support of their further important contribution along these lines.

They called upon all States to refrain from any action, political or other, which might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia, which would permit all Yugoslavs to decide upon and to construct their future in peace. They also called on all States immediately to implement and comply with the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia as stipulated by Security Council resolution 713 (1991).

They commended the efforts and invaluable assistance of the Secretary-General, H.E. Javier Pérez de Cuéllar and of his personal envoy, Mr. Cyrus Vance, aimed at consolidating peace and enabling the establishment of a peace-keeping operation in Yugoslavia which would facilitate the resumption and successful outcome of the process within The Hague Conference on Yugoslavia.

Fully aware of the character of the Yugoslav crisis, the members of the Bureau considered that the role of the United Nations regarding the situation in Yugoslavia can in no way be taken to constitute a precedent for future activities of the world Organization.

They expressed their support to Yugoslavia, founding Member of the United Nations and of the Movement of Non-Aligned Countries and its current Chairman, in overcoming its present crisis. They pointed out the necessity for the Movement to follow closely, if necessary at a higher political level, developments in Yugoslavia.

Notes

a/ S/23280.

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Security Council

Distr.
GENERAL

S/23290
17 December 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with reference to the letter of the Permanent Representative of Kuwait dated 2 December 1991 contained in document S/23260, I wish to state the following:

1. The Iraqi police posts that were the subject of the above-mentioned letter were not established after 2 August 1990 but have been in their current positions for a long time. The Kuwaiti side cannot deny this fact.

2. The Kuwaiti side itself has not abided by the principle of "reasonable distance" laid down by the United Nations Iraq-Kuwait Observation Mission (UNIKOM), inasmuch as it recently proceeded to set up 20 border police posts, some of them less than 1,000 metres to the south of the borderline established on the UNIKOM map.

3. Most of the violations that have occurred in the demilitarized zone have been caused by the Kuwaiti side, as was confirmed by the report of the Secretary-General of the United Nations on UNIKOM (S/23106).

4. The representative of Kuwait has no right to talk about violation of territorial sovereignty while admitting that the location of all the police posts would be settled by the Boundary Demarcation Commission.

While affirming its full commitment to the principle of cooperation with the United Nations Iraq-Kuwait Observation Mission with a view to the successful discharge of its mandate, my Government considers that the basic thrust of the letter of the representative of Kuwait forms part of the well-known attempts of the Kuwaiti regime to register fallacious and groundless allegations against Iraq in order to provoke the continued imposition of economic sanctions on Iraq, on the pretext that it is not fully complying with Security Council resolutions.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

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General Assembly Security Council

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A/46/788
S/23291
17 December 1991
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 33
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-sixth year

Letter dated 16 December 1991 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention, as a matter of urgency, to further attacks carried out by the Israeli Government and settlers against the Holy Places and Palestinian property in East Jerusalem and adjoining neighbourhoods.

According to a report by the Reuters news agency dated 12 December 1991, approximately 30 Jewish settlers, protected by large numbers of police, forced an entry into six houses belonging to Palestinians in Silwan, an Arab neighbourhood situated in East Jerusalem, and expelled the occupants. The settlers moved into the neighbourhood following a decision by the Israeli Cabinet which authorized them to remain in Silwan after they had attempted for two months to dispossess Palestinian owners of their homes. According to The New York Times of 13 December, this act of usurpation was encouraged and financed by Housing Minister Ariel Sharon. As reported by the same newspaper, in the last few years, Jewish nationalist movements with Government backing have taken over houses in the Old City's Muslim and Christian quarters.

On 7 December, the Supreme Islamic Committee of Jerusalem published a statement in which it pointed out that the Israeli authorities, under the supervision of high-ranking police officials, had closed the portal of the mosque of the Ottoman School, a famous Islamic site situated in the precinct of the Al-Aqsa Mosque. According to the Supreme Islamic Committee, Israel was thereby attempting to conceal work carried out by the Israeli authorities in a gallery situated in the western part of the Haram al-Sharif wall, inside the precinct of the Al-Aqsa Mosque, and was also trying to prevent the Islamic Waqf from closing the passage leading to the gallery.

On 19 November, the Information Centre on Human Rights in Palestine, which is based in Jerusalem, reported that on the previous day, Israeli information officers and elements from the special forces and frontier guards had broken into the Islamic Court and other premises situated in Salah el-Din Street in East Jerusalem and that they had seized archives dating back 500 years and connected with the history of Jerusalem, some of which related to the ownership of land and buildings.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to express the gravest concern at these acts by the Israeli authorities and settlers, which constitute on the part of Israel a violation of its obligations as the occupying Power under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. These acts are also contrary to the provisions of numerous Security Council resolutions, particularly resolutions 271 (1969), 298 (1971) and 476 (1980), concerning the Holy Places and religious buildings in Jerusalem, and resolutions 446 (1979), 452 (1979) and 465 (1980), concerning settlement activities by Israel, and they represent a serious obstruction to the establishment of a comprehensive, just and lasting peace in the Middle East.

The Committee therefore addresses an urgent appeal to you as well as all the parties concerned to see that all the necessary measures are taken in order to induce Israel, the occupying Power, to put an end to all its illegal settlement activities, ensure respect for the Holy Places and guarantee protection of the Palestinians and their property in the occupied Palestinian territory, including Jerusalem.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Absa Claude DIALLO
Chairman
Committee on the Exercise
of the Inalienable Rights
of the Palestinian People

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Security Council

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GENERAL

S/23292
17 December 1991

ORIGINAL: ENGLISH

LETTER DATED 3 DECEMBER 1991 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the members of the Security Council, the following information.

The Governing Council of the United Nations Compensation Commission held its third session from 25 to 29 November 1991.

As decided at its second session, its work was divided into plenary meetings and meetings of Working Group A (dealing with criteria for the expedited processing of urgent claims and additional categories of claims) and Working Group B (dealing with arrangements for ensuring that payments are made to the Compensation Fund).

At its 16th plenary meeting, held on 25 November, the Council heard the report of the Executive Secretary on the activities performed by the secretariat since the second session of the Council. At the same meeting, it agreed to create an option permitting individuals filing claims for departure from Iraq or Kuwait (claim form A) to receive up to US$ 4,000 per person (instead of US$ 2,500) and up to US$ 8,000 per family (instead of US$ 5,000) under the condition that the claimant and his or her family members agree not to file claims under any other form or category.

At its 18th meeting, held on 28 November, the Council:

(a) Decided that the period within which all form A, B and C claims must be submitted by Governments to the Commission will extend for 18 months from the date that the forms are made available. It also decided to remind Governments of the 2 August 1991 criteria (see S/22885, annex II), in which the Governing Council encouraged the submission of such claims within six months from the date on which the Executive Secretary circulates to the Governments the claim forms and authorized the Commission to give consideration to such claims;

(b) Approved the criteria for three additional claims categories: claims by individuals not filed under expedited claims A, B and C, claims of corporations and other legal entities and claims of Governments and international organizations. The Council may provide further guidance with regard to the interpretation and application of paragraph 9 of the criteria for corporations and other legal entities relating to embargo losses in the light of a study on "lost profits" to be prepared by the secretariat for the next session of the Governing Council. In addition, paragraph 11 of the criteria for processing claims of corporations and other entities has been temporarily reserved by two members of the Council (S/AC.26/1991/7);

(c) Agreed that a ceiling for compensation for mental pain and anguish be established, the amount of which will be determined on the basis of additional information on the number of possible claimants, to be submitted by the secretariat at the next meeting of the Council;

(d) Accepted a recommendation made by the Executive Secretary to enter into formal contacts with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the preparation and submission of consolidated claims on behalf of some of the persons who are not in a position to have their claims submitted by a Government.

The Governing Council also requested the secretariat (a) to provide information relating to funds for payment of oil and oil products exported by Iraq before 3 April 1991 that have been deposited in blocked accounts or otherwise not received by Iraq and an analysis of the legal issues related to obtaining the percentage deduction with respect to such funds; and (b) report on "loss of profits" in connection with the ongoing discussion on embargo losses.

Representatives of Kuwait, Pakistan and Iraq expressed their wish to address the Governing Council at its third session and, in accordance with paragraph 5 of the Guidelines for the conduct of its work, the Council invited them to do so at its 16th and 18th plenary meetings held on 25 and 29 November, respectively.

The next session of the Governing Council has been scheduled for 20 to 24 January 1992.

(Signed) Philippe J. BERG
President
Governing Council
United Nations Compensation Commission

Annex

Decision taken by the Governing Council of the United Nations Compensation Commission during its third session, at its 18th meeting, held on 28 November 1991

Criteria for additional categories of claims

I. CRITERIA FOR PROCESSING OF CLAIMS OF INDIVIDUALS NOT OTHERWISE COVERED

1. The following criteria will govern the submission of all claims of individuals not filed under the criteria adopted by the Governing Council on 2 August 1991, pursuant to Security Council resolution 687 (1991).

2. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments to prepare consolidated claims submissions.

3. The Commission will process the claims as expeditiously as possible. While decisions on the precise method of processing these claims will be made at a later stage, the following steps are contemplated. The secretariat will make a preliminary assessment of the claims to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to a panel or panels of Commissioners for review within a set time-limit. The Commissioners would be instructed to utilize different procedures appropriate to the character, amount and subject-matter of particular types of claims. In so far as possible, claims with significant common legal or factual issues should be processed together. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. The Council may decide to refer unusually large or complex claims to panels of Commissioners for detailed review, possibly involving additional written submissions and oral proceedings. In such a case, the individual would be allowed to present his or her case directly to the panel.

4. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

5. Claims may be submitted under this category for the loss of earnings or profits; the Commission will consider at a later time the circumstances in which such claims may be admitted, the amounts to be awarded and the limits to be imposed thereon.

Claims covered

6. These payments are available with respect to any direct loss, damage or injury (including death) to individuals as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure from or inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

7. These payments are available with respect to individuals who claim losses in excess of those compensable under claim forms B or C. These payments are also available with respect to individuals who have chosen not to file under claim form A, B or C because their losses exceed $100,000. In addition, these payments are available to reimburse payments made or relief provided by individuals to others, for example to employees or to others pursuant to contractual obligations, for losses covered by any of the criteria adopted by the Council.

8. Since these claims may be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss.

9. Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait are eligible for compensation. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures. Further guidance will be provided on the interpretation and application of this paragraph.

10. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

Submission of claims

11. Claims will not be considered on behalf of Iraqi nationals who do not have bona fide nationality of any other State.

12. Claims will be submitted by Governments. Each Government may submit claims on behalf of its nationals and may in its discretion also submit the claims of other persons resident in its territory. In addition, the Council may request an appropriate person, authority or body to submit claims on behalf of persons who are not in a position to have their claims submitted by a Government.

13. Each consolidated claim must include:

(a) For each separate claim, a signed statement by each individual covered containing:

(i) His or her name and address and any passport number or other identifying national number;

(ii) A description of and documents evidencing the amount, type and reason for each element of the loss;

(iii) Identification of any compensation, whether in funds or in kind, already received from any source for the claim asserted;

(iv) His or her affirmation that the foregoing information is correct and that no other claim for the same loss has been submitted to the Commission;

(v) A copy of any previously submitted individual claim;

(b) The affirmation of the Government submitting the claim that, to the best of the information available to it, the individuals in question are its nationals or residents, and the affirmation of the Government or of the person, authority or body as referred to in paragraph 12 above that it has no reason to believe that the information stated is incorrect.

14. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of these claims, incorporating the above elements in a clear and concise manner. Except as may otherwise be agreed between the Executive Secretary and the Government in question, claims will be submitted to the Executive Secretary by Governments or by persons, authorities or bodies as referred to in paragraph 12 above on the standard form and must include the information in an official language of the United Nations. Each Government may adopt such procedures as it finds appropriate in preparing its claims. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments which may request it.

15. Governments must submit all claims on behalf of individuals within one year of the date on which the Executive Secretary circulates these claims forms. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments the claims forms; and the Commission will thereupon give consideration to such claims as provided herein.

II. CRITERIA FOR PROCESSING CLAIMS OF CORPORATIONS AND OTHER ENTITIES

1. The following criteria will govern the submission of claims of corporations, other private legal entities and public-sector enterprises (hereinafter referred to as "corporations and other entities") pursuant to Security Council resolution 687 (1991).

2. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments to prepare consolidated claims submissions.

3. The Commission will process the claims as expeditiously as possible. While decisions on the precise method of processing these claims will be made at a later stage, the following steps are contemplated. The secretariat will make a preliminary assessment of the claims to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to a panel or panels of Commissioners for review within a set time-limit. The Commissioners would be instructed to utilize different procedures appropriate to the character, amount and subject-matter of particular types of claims. In so far as possible, claims with significant common legal or factual issues should be processed together. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. The Council may decide to refer unusually large or complex claims to panels of Commissioners for detailed review, possibly involving additional written submissions and oral proceedings. In such a case, the entity would be allowed to present its case directly to the panel.

4. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

5. Claims may be submitted under this category for the loss of earnings or profits; the Commission will consider at a later time the circumstances under which such claims may be admitted, the amounts to be awarded and the limits to be imposed thereon.

Claims covered

6. These payments are available with respect to any direct loss, damage or injury to corporations and other entities as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure of persons from or their inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

7. These payments are available to reimburse payments made or relief provided by corporations or other entities to others, for example to employees or to others pursuant to contractual obligations, for losses covered by any of the criteria adopted by the Council.

8. Since these claims may be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss.

9. Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait are eligible for compensation. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures. Further guidance will be provided on the interpretation and application of this paragraph.

10. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

Submission of claims

[11. Each Government may submit claims on behalf of corporations or other entities that, on the date on which the claim arose, were incorporated or organized under its law. Claims may be submitted on behalf of a corporation or other entity by only one Government. A corporation or other entity would be required to request the State of its incorporation or organization to submit its claim to the Commission. In the case of a corporation or other private legal entity whose State of incorporation or organization fails to submit such claims falling within the applicable criteria within the deadline established in paragraph 14 below, the corporation or other private legal

entity may itself make a claim to the Commission within three months thereafter. It must submit at the same time an explanation as to why its claim is not being submitted by a Government, together with the relevant information specified in paragraph 12 below. In such a case, any award of the Commission will be paid directly to the corporation or other private legal entity.]

12. Each consolidated claim must include:

(a) For each separate claim, a signed statement by an authorized official of each corporation or other entity covered containing:

(i) Documents evidencing the name, address and place of incorporation or organization of the entity;

(ii) A general description of the legal structure of the entity;

(iii) A description of and documents evidencing the amount, type and reason for each element of the loss;

(iv) Identification of any compensation, whether in funds or in kind, already received from any source for the claim asserted;

(v) His or her name and address and affirmation that the foregoing information is correct and that no other claim for the same loss has been submitted to the Commission;

(b) The affirmation of the Government submitting the claim that, to the best of the information available to it, the entities in question are incorporated or organized under its law and the affirmation of the Government that it has no reason to believe that the information stated is incorrect.

13. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of these claims, incorporating the above elements in a clear and concise manner. Except as may otherwise be agreed between the Executive Secretary and the Government in question, claims will be submitted to the Executive Secretary by Governments on the standard form and must include the information in an official language of the United Nations. Each Government may adopt such procedures as it finds appropriate in preparing its claims. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments which may request it.

14. Governments must submit all claims on behalf of corporations or other entities within one year of the date the Executive Secretary circulates the claims forms. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments the claims forms; and the Commission will thereupon give consideration to such claims as provided herein.

III. CRITERIA FOR PROCESSING CLAIMS OF GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

1. The following criteria will govern the submission of claims of Governments and international organizations pursuant to Security Council resolution 687 (1991). Each Government will submit claims of its own and those of its political subdivisions, or any agency, ministry, instrumentality or entity controlled by it.

2. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments and international organizations to prepare consolidated claims submissions.

3. The Commission will process the claims as expeditiously as possible. While decisions on the precise method of processing these claims will be made at a later stage, the following steps are contemplated. The Secretariat will make a preliminary assessment of the claims to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to a panel or panels of Commissioners for review within a set time-limit. The Commissioners would be instructed to utilize different procedures appropriate to the character, amount and subject-matter of particular types of claims. In so far as possible, claims with significant common legal or factual issues should be processed together. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. The Council may decide to refer unusually large or complex claims to panels of Commissioners for detailed review, possibly involving additional written submissions and oral proceedings. In such a case, when an international organization is involved, it would be allowed to present its case directly to the panel.

4. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

Claims covered

5. These payments are available with respect to any direct loss, damage or injury to Governments or international organizations as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure of persons from or their inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

6. These payments are available with respect to direct environmental damage and the depletion of natural resources as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include losses or expenses resulting from:

(a) Abatement and prevention of environmental damage, including expenses directly relating to fighting oil-fires and stemming the flow of oil in coastal and international waters;

(b) Reasonable measures already taken to clean and restore the environment or future measures which can be documented as reasonably necessary to clean and restore the environment;

(c) Reasonable monitoring and assessment of the environmental damage for the purposes of evaluating and abating the harm and restoring the environment;

(d) Reasonable monitoring of public health and performing medical screenings for the purposes of investigation and combating increased health risks as a result of the environmental damage; and

(e) Depletion of or damage to natural resources.

7. These payments will include loss of or damage to property of a Government, as well as losses and costs incurred by a Government in evacuating its nationals from Iraq or Kuwait. These payments are also available to reimburse payments made or relief provided by Governments or international organizations to others, for example to nationals, residents or employees or to others pursuant to contractual obligations, for losses covered by any of the criteria adopted by the Council.

8. Since these claims will be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss.

9. Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait are eligible for compensation. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures. Further guidance will be provided on the interpretation and application of this paragraph.

10. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

Submission of claims

11. Each consolidated claim must include:

(a) For each separate claim, a signed statement by an authorized official of the Government or international organization containing:

(i) His or her name and address, and government agency instrumentality or ministry or controlled entity or the international organization with which associated;

(ii) A description of and documents evidencing the amount, type and reason for each element of the loss;

(iii) Identification of any compensation, whether in funds or in kind, already received from any source for the claim asserted;

(iv) His or her affirmation that the foregoing information is correct and that no other claim for the same loss has been submitted to the Commission;

(b) The affirmation of the Government or international organization submitting the consolidated claim that to the best of the information available to it, it has no reason to believe that the information stated is incorrect.

12. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of claims, incorporating the above elements in a clear and concise manner. Except as may otherwise be agreed between the Executive Secretary and the Government or international organization in question, claims will be submitted to the Executive Secretary on the standard form and must include the information in an official language of the United Nations. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments or international organizations which may request it.

13. Governments and international organizations must submit all claims within one year of the date on which the Executive Secretary circulates the standard form. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments and international organizations the claims forms; and the Commission will thereupon give consideration to such claims as provided herein.

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LETTER DATED 17 DECEMBER 1991 FROM THE REPRESENTATIVES OF BELGIUM, FRANCE AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention the texts, in French and English, of a declaration on Yugoslavia and a declaration on the "Guidelines on the recognition of new States in Eastern Europe and in the Soviet Union", which were adopted by the European Community and its member States at their ministerial meeting held at Brussels on 16 December 1991.

We should be grateful if you would have the text of this letter and its annexes circulated as an official document of the Security Council.

(Signed) Paul NOTERDAEME
Permanent Representative of Belgium to the United Nations

(Signed) Jean-Bernard P. H. P. MERIMEE
Permanent Representative of France to the United Nations

(Signed) Sir David HANNAY
Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

Annex I

DECLARATION ON YUGOSLAVIA

(Extraordinary EPC Ministerial Meeting,
Brussels, 16 December 1991)

[Original: English/French]

The European Community and its member States discussed the situation in Yugoslavia in the light of their guidelines on the recognition of new States in Eastern Europe and in the Soviet Union. They adopted a common position with regard to the recognition of Yugoslav republics. In this connection they concluded the following:

The Community and its member States agree to recognize the independence of all the Yugoslav republics fulfilling all the conditions set out below. The implementation of this decision will take place on 15 January 1992.

They are therefore inviting all Yugoslav republics to state by 23 December whether:

- they wish to be recognized as independent States;

- they accept the commitments contained in the above-mentioned guidelines;

- they accept the provisions laid down in the draft convention - especially those in chapter II on human rights and rights of national or ethnic groups - under consideration by the Conference on Yugoslavia;

- they continue to support

  - the efforts of the Secretary-General and the Security Council of the United Nations, and

  - the continuation of the Conference on Yugoslavia.

The applications of those republics which reply positively will be submitted through the chair of the Conference to the arbitration commission for advice before the implementation date.

In the meantime, the Community and its member States request the United Nations Secretary-General and the United Nations Security Council to continue their efforts to establish an effective cease-fire and promote a peaceful and negotiated outcome to the conflict. They continue to attach the greatest importance to the early deployment of a United Nations peace-keeping force referred to in United Nations Security Council resolution 724.

The Community and its member States also require a Yugoslav republic to commit itself, prior to recognition, to adopt constitutional and political guarantees ensuring that it has no territorial claims towards a neighbouring community State and that it will conduct no hostile propaganda activities versus a neighbouring community State, including the use of a denomination which implies territorial claims.

Annex II

DECLARATION ON THE "GUIDELINES ON THE RECOGNITION OF NEW STATES IN EASTERN EUROPE AND IN THE SOVIET UNION"

(Extraordinary EPC Ministerial Meeting,
Brussels, 16 December 1991)

[Original: English/French]

In compliance with the European Council's request, Ministers have assessed developments in Eastern Europe and in the Soviet Union with a view to elaborating an approach regarding relations with new States.

In this connection they have adopted the following guidelines on the formal recognition of new States in Eastern Europe and in the Soviet Union:

"The Community and its member States confirm their attachment to the principles of the Helsinki Final Act and the Charter of Paris, in particular the principle of self-determination, they affirm their readiness to recognize, subject to the normal standards of international practice and the political realities in each case, those new States which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to a peaceful process and to negotiations.

Therefore, they adopt a common position on the process of recognition of these new States, which requires:

- Respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;

- Guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;

- Respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;

- Acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;

- Commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning State succession and regional disputes.

The Community and its member States will not recognize entities which are the result of aggression. They would take account of the effects of recognition on neighbouring States.

The commitment to these principles opens the way to recognition by the Community and its member States and to the establishment of diplomatic relations. It could be laid down in agreements."